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|-----------------|-------------|----------------------|---------------------|------------------|
| 09/864,719      | 05/24/2001  | Brian L. Brinker     | RSW920010023US1     | 2801             |

7590 12/19/2003  
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EXAMINER

WONG, LESLIE

ART UNIT PAPER NUMBER

2177

DATE MAILED: 12/19/2003

*docket clerk  
maric simpson*

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/864,719

Applicant(s)

BRINKER ET AL.

Examiner

Leslie Wong

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,2, 4-6, 8, 9, 12-14, 16, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by **Amado** (U.S. Patent 5,701,400).

Regarding claims 1 and 16, **Amado** teaches a method and a computer program product of systematically diagnosing data problems in a database, comprising the steps of:

- a). identifying a set of tests to be performed on the database (Figs. 4 and 12 and col. 38, lines 12-29);
- b). preparing a test program corresponding to the set of tests using SQL (Structured Query Language) (col. 11, lines 56-57);
- c). executing the test program on the database so that the set of tests are performed on the database simultaneously (col. 39, lines 1-5); and
- d). automatically providing results of the test program in a predetermined format, whereby data problems in the data base can be diagnosed by viewing the results (col. 39, lines 16-29).

Regarding claims 2, 9, and 17, **Amado** further teaches wherein the predetermined format is a table format (Figs. 99-101).

Regarding claims 4, 12, and 19, **Amado** further teaches wherein at least one of the set of tests involves performing a test on a particular record stored in a table of the database, said record being identifiable by one or a combination of key values (col. 36, lines 33-41).

Regarding claims 5 and 13, **Amado** further teaches wherein, in the preparing step, the test program is prepared manually (col. 20, lines 20-25 and lines 56-63).

Regarding claims 6 and 14, **Amado** further teaches wherein, in the preparing step, the test program is prepared by computer software (col. 26, lines 16-17 and col. 38 lines 13-16).

Regarding claim 8, **Amado** further teaches A system for systematically diagnosing data problems in a database, comprising:

a). a database including a plurality of tables, each table containing at least one row of data, each row identifiable by one or a combination of key values (Fig. 72);  
and

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b). a testing module (Fig.2, element 10), coupled to the database (Fig. 2, elements 5, 7, and 9), for storing a test program written in SQL (Structured Query Language), executing the test program on the database (col. 39, lines 1-5), and

c). automatically providing results of the test program in a predetermined format, wherein the test program corresponds to a collection of tests for diagnosing data problems in the database (col. 39, lines 16-29).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 3, 10, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Amado** (U.S. Patent 5,701,400) as applied to claims 1,2, 4-6, 8, 9, 12-14, 16, 17, and 19 above in view of **Miller et al.** (U.S. Patent 6,553,366 B1).

Regarding claims 3, 10, 11, and 18, **Amado** further teaches wherein the preparing step is implemented using WITH (i.e., include that test with larger set of queries) (col. 74, lines 34-38).

**Amado** does not explicitly teach wherein the preparing step is implemented with an OUTER JOIN command of the SQL.

**Miller et al.**, however, teaches wherein the preparing step is implemented with an OUTER JOIN command of the SQL (col. 17, lines 23-30).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to employ an OUTER JOIN command in the query because this would provide user with all rows for all key columns found in the first table specified, and fills in any missing values from the other tables with null values (col. 17, lines 26-29).

5. Claims 7, 15, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Amado** (U.S. Patent 5,701,400) as applied to claims 1,2, 4-6, 8, 9, 12-14, 16, 17, and 19 above in view of **Bogrett** (U.S. Patent 6,581,054 B1).

Regarding claims 7, 15, and 20, **Amado** further teaches preparing the test program based on the user's response (col. 24, lines 13-23 and 24-27).

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**Amado** does not explicitly teach the steps of:

- a). displaying a set of predetermined queries to a user; and
- b). receiving the user's response to each of the predetermined queries.

**Bogrett**, however, teaches the steps of:

- a). displaying a set of predetermined queries to a user (col. 2, lines 7-8); and
- b). receiving the user's response to each of the predetermined queries (col. 2,

lines 8-10).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to display a set of predetermined queries to a user and receive the user's response to each of the predetermined queries in order to provide users with predefined queries that would retrieve relevant information for users specific requirements.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Choi et al.** (US 2002/0101920 A1)

**Scarlat et al.** (US 2002/0177977 A1)

**Gillenwater et al.** (U.S Patent 6,557,115 B2)

**Boleyn et al.** (U.S. Patent 6,502,084 B1)

**Conti et al.** (U.S. Patent 6,522,995 B1)

**Martin et al.** (U.S. Patent 5,450,545)

**Becker** (U.S. Patent 6,301,579)

**Cooperman et al.** (U.S. Patent 5,875,440)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Leslie Wong  
Patent Examiner  
Art Unit 2177

lw  
12 December 2003



JEAN R. HOMERE  
PRIMARY EXAMINER